

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2nd day of July, two thousand nineteen.

Present:

Debra Ann Livingston,
Raymond J. Lohier, Jr.,
Susan L. Carney,
Circuit Judges.

In re Frederick Martin Oberlander.

Grievance Committee of the Eastern District of New York,

Petitioner-Appellee,

v.

18-2727

Frederick Martin Oberlander,

Respondent-Appellant.

In re Richard E. Lerner.

Grievance Committee of the Eastern District of New York,

Petitioner-Appellee,

v.

18-2782

Richard E. Lerner,

Respondent-Appellant.

Appellants move to consolidate the above-captioned appeals; the Appellant in 18-2727 also moves to file his motion to consolidate under seal with a redacted public version; and the Appellant in 18-2782 also moves for an order clarifying that the district court has jurisdiction to consider the merits of a motion to unseal the docket.


Upon due consideration, it is hereby ORDERED that the motions to consolidate the appeals are DENIED, but the above-captioned appeals will be heard in tandem and the Appellants may file a single brief. The Clerk's Office shall set these cases for argument before a single panel following the completion of briefing.

It is further ORDERED that the motion to file under seal in 18-2727 is GRANTED.

Finally, it is ORDERED that both appeals are STAYED pending the following further briefing. The parties are directed to submit, within 30 days of the date of this order, letter-briefs addressing whether, notwithstanding the filing of an amended notice of appeal incorporating the district court's January 25, 2019 order, the case should be remanded to the district court to consider the motion to unseal on the merits. *See United States v. Jacobson*, 15 F.3d 19, 22 (2d Cir. 1994) (explaining that this Court may return jurisdiction to the district court for supplementation of the record or resolution of issues, with jurisdiction automatically restored to this Court without need for a new notice of appeal).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

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Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit